

# RESOLUTIONS

---

## TITLE: SENATE JOINT RESOLUTIONS.

### Chapter

1. A Resolution Proposing a Constitutional Amendment to Authorize the Legislature to Provide for Appeals Direct to Supreme Court in Instances Involving Constitutionality of Certain Laws and Orders.
2. A Resolution Proposing a Constitutional Amendment to Amend Sec. 26, Art. IV. so as to Provide that Notaries Public Be Appointed by the Secretary of State.

### CHAPTER 1.

## A RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT TO AUTHORIZE THE LEGISLATURE TO PROVIDE FOR APPEALS DIRECT TO SUPREME COURT IN INSTANCES INVOLVING CONSTITUTIONALITY OF CERTAIN LAWS AND ORDERS.

### S. J. R. No. 4.]

A Joint Resolution proposing an amendment to Article V of the Constitution of the State of Texas giving the Legislature authority to provide for appeal direct to the Supreme Court in cases involving injunctions granted or denied on the grounds of constitutionality or unconstitutionality of any statute or on validity or invalidity of administrative orders; providing for the submission of this amendment to the voters of this State; and providing for the necessary proclamation and expenses of publication.

### *Be it resolved by the Legislature of the State of Texas:*

SECTION 1. That Article V of the Constitution of the State of Texas be amended by adding thereto a new section to be known as Section 3-b, which shall read as follows:

"Section 3-b. The Legislature shall have the power to provide by law, for an appeal direct to the Supreme Court of this State from an order of any trial court granting or denying an interlocutory or permanent injunction on the grounds of the constitutionality or unconstitutionality of any statute of this State, or on the validity or invalidity of any administrative order issued by any state agency under any statute of this State."

SEC. 2. The foregoing Constitutional Amendment shall be submitted to the qualified voters of the State of Texas at the general election to be held on the 5th day of November, 1940, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the words:

"FOR THE AMENDMENT TO THE CONSTITUTION OF THE STATE OF TEXAS AUTHORIZING THE LEGISLATURE TO PROVIDE FOR APPEALS DIRECT TO THE SUPREME COURT IN INSTANCES INVOLVING THE CONSTITUTIONALITY OF CERTAIN LAWS AND ORDERS." and those opposed shall write or have printed on their ballots the words:

"AGAINST THE AMENDMENT TO THE CONSTITUTION OF THE STATE OF TEXAS AUTHORIZING THE LEGISLATURE TO PROVIDE FOR APPEALS DIRECT TO THE SUPREME COURT IN INSTANCES INVOLVING THE CONSTITUTIONALITY OF CERTAIN LAWS AND ORDERS."

SEC. 3. The Governor of the State is hereby directed to issue the necessary proclamation for said election and have the same published as required by the Constitution and existing laws of the State.

SEC. 4. The sum of Ten Thousand (\$10,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State not otherwise appropriated, to pay the expenses of said publication and election.

[NOTE.—S. J. R. No. 4 was passed by the Senate April 4, 1939, by a vote of 25 yeas, 2 nays; by the House as amended, by a vote of 111 yeas, 1 nay; Senate requested appointment of a Conference Committee May 8, 1939; House adopted Conference Committee Report, May 18, 1939, by a vote of 123 yeas, 0 nays; Senate adopted Conference Committee Report May 23, 1939, by a vote of 28 yeas, 0 nays.]

Approved May 31, 1939.

To be voted on at election to be held November 5, 1940.

## CHAPTER 2.

### A RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT TO AMEND SEC. 26, ART. IV SO AS TO PROVIDE THAT NOTARIES PUBLIC BE APPOINTED BY THE SECRETARY OF STATE.

S. J. R. No. 6.]

A Joint Resolution proposing an amendment to the Constitution of the State of Texas amending Section 26 of Article IV so as to provide that Notaries Public be appointed by the Secretary of State of the State of Texas; providing for the submission of this amendment to the voters of this State; and providing for the necessary appropriation to defray necessary expenses for the submission of this amendment.

*Be it resolved by the Legislature of the State of Texas:*

SECTION 1. That Section 26 of Article IV of the Constitution of the State of Texas be amended so that the same will hereafter read as follows: